

IVF DOCTOR SUES: UPDATE FROM AUSTRIA

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On 15 July, 1988 Johanna Riegler and Aurelia Weikert published an article in *Wiener Zeitung* on in vitro fertilization and an interview with a woman who supplies her ova for a fee to other women who are undergoing IVF treatment (Riegler & Weikert, 1988). The two articles emphasized the risks associated with prior hormonal stimulation with clomiphene citrate (Klein & Rowland, 1988) and surgical intervention in obtaining ova.

The reaction of one doctor who carries out these practices was to bring an action for injury to reputation. He felt injured or endangered in his reputation, profession, and professional advancement by the following sentence: 'In spite of the possible risks of injury through surgical intervention, in spite of the injurious effect of such intensive hormone treatment . . . spare parts trade in gametes is legal.'

Although the ova donor had to sign a counterindemnity relating to the risks during ova extraction—as is customary in the case of any operation—in his statement to the court the doctor compares this intervention with blood extraction. Also, his standpoint regarding financial

motivation has changed. Formerly altruistic motives were in the forefront and later money was emphasized as the clear and unemotional stimulus for the ova donor. The action was filed at a time when discussion had already begun in legal circles on the 'legality' of the sale and purchase of gametes. The legal action has now been withdrawn after an out of court agreement in which neither party admits to being in the wrong.

Through this attempt to criminalize critical voices, the subject of reproductive technologies has been more widely discussed in the media. The claim was withdrawn by the plaintiff in order to avoid more public discussion. Also, this action raises issues about the right to free expression.

REFERENCES

- Klein, Renate & Rowland, Robyn. (1988). Women as test-sites for fertility drugs: Clomiphene citrate and hormonal cocktails. *Reproductive and Genetic Engineering*, **1**, 251-273.
- Riegler, Johanna & Weikert, Aurelia. (1988). Product egg: Egg selling in an Austrian IVF clinic. *Reproductive and Genetic Engineering*, **1**, 221-223.